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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4303 OF 2005

IN

FIRST APPEAL NO.1162 OF 2005

Aashu Alli Hasware ...Applicant.

Vs.

Shaukat Alli Hasware ...Respondents.

Mr. S.M.Kazi for the Applicant.

CORAM : ANOOP V. MOHTA,J.

DATED : 4th September, 2007

P.C.

1. The suit for partition has been decreed. The court has appointed the Court Commissioner for partition of the suit property. The appellant has challenged the same in the first appeal, which is admitted. The applicant is praying that pending the decision of the first appeal, the effect and operation of the judgment be stayed. There is no question of granting any stay, as prayed. However, it is made clear that the parties to maintain status-quo in respect of the property in question, pending the decision of the first appeal.

2. However, in no way it should affect the proceedings which are pending before the appointed Court Commissioner. The physical partition should be subject to leave of the court. Liberty is granted to the parties to apply.

3. The Civil Application is disposed of, accordingly.

(ANOOP V. MOHTA, J.)